

June 30, 2025

Carolyn Stevens, Chair and Members of the Planning/Architectural Review Board
Town of Ossining
John-Paul Rodrigues Operations Center
101 Route 9A - P.O. Box 1166
Ossining, NY 10562

**Re: 94 Somerstown Road Property
94 Somerstown Road (NY Route 133)
Ossining, NY 10562**

Application for Subdivision, Site Plan, Wetlands Permit, Steep Slope Permit

Hon. Carolyn Stevens and Members of the Planning/Architectural Review Board:

I am pleased to submit the following revised plans and documents in support of this application for subdivision approval, site plan approval, steep slope permit, and a wetland permit for the subdivision of the above-noted property.

<u>Dwg. No.</u>	<u>Drawing Title</u>	<u>Rev. Date</u>
C-101	Layout / Subdivision Plan	06/30/2025
C-102	Grading and Utilities Plan	06/30/2025
C-103	Erosion and Sediment Control Plan	06/30/2025
C-104	Tree Preservation/Tree Removal Plan	06/30/2025
C-105	Tree Preservation/Tree Removal List	06/30/2025
C-106	Landscape / Tree Planting Plan	06/30/2025
C-107	Steep Slopes Plan	06/30/2025
C-111	Driveway Profile	06/30/2025
C-112	Construction Details	06/30/2025
C-113	Construction Details	06/30/2025

Also submitted are the following:

- Landscape Maintenance Plan, dated 03/28/2025.
- Plat Map, prepared by Rowan Land Surveying.
- Submission to Westchester County Department of Health (one copy).
- Submission to New York State Department of Environmental Conservation (one copy).
- Submission to New York State Department of Transportation (one copy).
- Stormwater Pollution Prevention Plan report, revised date 06/30/2025 (one copy).

Changes to the plans from the prior submission are as follows:

- The layout of the absorption trench in each of the septic systems have changed but are all in the same locations as previously presented.
- The well locations have shifted on Lots 1 and 2 with the development of the septic system plans to ensure compliance with separation distances.
- The rain garden in the eastern portion of Lot 3 was able to be eliminated. Its function has been incorporated into the extended detention stormwater basin.
- The location of the rain garden on Lot 1 has been modified to be northeast of the house in response to comments offered by the Town's arborist.
- Pools have been removed from the plans on each of the lots.
- Landscape plan now includes a planted mitigation area in the southern portion of the wetland covering some 9,090 square feet.

The following responds to the comments in the memorandum to the Planning Board from Valerie Monastra, AICP of Nelson Pope Voorhis, dated April 10, 2025. Each of the comments is repeated in italics, with the response appearing below the comment.

*1. **SEQR.** This project is categorized as an Unlisted action under State Environmental Quality Review (SEQR). A Short Environmental Assessment Form Part 1 was submitted. See additional SEQR comments below. A draft EAF Part 2 will be provided at next month's meeting for review and discussion.*

Response: We look forward to receiving the Environmental Assessment Form Part 2 which is the responsibility of the Planning Board, which is the Lead Agency on this project.

*2. **Zoning.** The Project Site is in the R-40 zoning district and the applicant provided a zoning table for all three proposed lots.*

Response: The zoning table is on drawing C-101.

*3. **Subdivision Approval.** This application requires Subdivision approval from the Planning Board and a public hearing is required. This application is also considered a minor subdivision as defined in §176-2.*

Response: So noted. The public hearing was held on May 21, 2025 and we note that no speakers from the public spoke at the meeting. We respectfully request that the Public Hearing be closed.

*4. **Wetland Permit.** This application requires a wetland permit from the Planning Board and a public hearing is required. In accordance with §105-6(B), the Planning Board shall refer the application to the Environmental Advisory Committee for its review and report. The applicant provided additional information on the wetlands in a narrative dated March 27, 2025. The*

wetland is a functioning wetland but is filled with mostly invasive species. This application is ready to be referred to the EAC.

Response: The application was referred to the EAC which has reviewed the project on May 5, 2025.

5. Steep Slopes Permit. *This application requires a steep slope permit from the Planning Board and a public hearing is required. In accordance with §167-9(C), the Planning Board shall refer the application to the Environmental Advisory Committee for its review and report. This application is ready for referral. Please note additional information is still required for the application to be deemed complete: a. The exact locations, specifications and amount of all proposed draining, filling, grading, dredging and vegetation removal or displacement and the procedures to be used to do the work. **This comment remains open.***

Response: *Locations:* The locations of the proposed grading are depicted on drawing C-102. Grading is proposed in the following locations: (i) for the construction of the common driveway; (ii) limited grading for the construction of a pad for the three proposed houses; (iii) for the driveways to the garages at each of the three houses; (iv) for the construction of the rain gardens – one which is proposed for each of the three houses, and one for the upper portion of the common driveway; (v) for the construction of the extended detention stormwater management basin in the western portion of Lot 3 near Somerstown Road. No grading is proposed outside of these areas.

Specifications: The excavation of the soil material in upland areas of the property as well as to create the stormwater management basin will be done by a backhoe. Soil material removed to create the stormwater management basin will be temporarily stockpiled adjacent to the proposed common driveway and then removed and used as fill under the common driveway.

The calculations using the Volume Dashboard (of AutoCAD Civil 3D) indicates that there would be 4310 c.y. of excavation (cut), 6,214 c.y. of fill for a net fill volume of soil of 1,904 c.y. of material. Excavated soil material will be placed on the property as fill under the driveway. Fill will be obtained from off-site sources as required.

6. Tree Permit. *This application requires a tree removal permit from the Planning Board and a public hearing is required. In accordance with §183-10(E), the Planning Board shall refer the application to the Environmental Advisory Committee for its review and report. This application is ready for referral to the EAC. The applicant provided a detailed tree inventory. At the April meeting, the Planning Board should request the Town's Arborist to review the tree removal and planting plans.*

Response: The Planning Board did refer the application for a Tree Permit to the Environmental Advisory Committee. The Town's Arborist has reviewed the tree removal and planting plans as requested.

7. Additional Agency Approval. *This application will require approval from Westchester County Department of Health, NYS Department of Transportation, and NYS Department of Environmental Conservation. **Have these agencies been contacted? This comment still remains open.***

Response: *Westchester County Department of Health:* The application to the Westchester County Department of Health for Realty Subdivision Approval has been submitted (see the attached application).

New York State Department of Transportation: The application for a Highway Work Permit for the proposed driveway was submitted to the NYSDOT on June 6, 2025 (see the attached submission to the NYSDOT).

New York State Department of Environmental Conservation: An application for an Article 24 permit (freshwater wetlands) was submitted to the NYSDEC on May 15, 2025. On June 18, 2025, Brian Keating and Jonathon Piasecki were at the property to verify the boundary of the wetlands. The NYSDEC confirmed that the flagged wetland boundary is accurate and we are in the process of submitting the survey with the wetland validation block to the NYSDEC for their signature.

8. County Referral. *This project required referral to the Westchester County Planning Board per Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code. Westchester County provided comments for the Planning Board's consideration.*

Response: So noted.

9. Emergency Services. *The applicant met with the Fire Department and the following revisions were incorporated into the site plans:*

- a. The driveway is now 20 feet.*
- b. A 36 foot wide turnaround space was added to the plans*
- c. The length of the back up space is now 45 feet.*

The source of water supply for fire suppression is still being investigated by the applicant, and it is recommended that the Board receive an update from the applicant.

Response: The applicant is proposing to install a 10,000 gallon subsurface water storage tank at each of the three proposed lots to provide water in the event that such is needed by the Fire Department. The location of the 10,000 gallon subsurface tanks is shown on drawing C-102. The plans have been updated to include a 10,000 gallon subsurface water tank for each of the three lots for fire suppression purposes. The applicant is no longer investigating the other options noted previously, including extension of the water main which presently terminates within Somerstown Road 1,275 feet south of the proposed common driveway or extension of a water main within the New Castle – Stanwood Water District to provide a hydrant on the east side of Somerstown Road but within the boundary of the Town of New Castle.

SEQR COMMENTS

1. **Wetlands.** *The EAF form identified wetlands are located on the Project Site. New NYS wetlands regulations that took effect in January 2025 require consultation to NYSDEC to determine if these wetlands are of unusual importance. Please provide all communications from NYSDEC. **This is still outstanding.***

Response: Please see the attached correspondence with the NYSDEC during the past couple of weeks regarding the wetland. Based on the correspondence from the NYSDEC, the department has not concluded that it finds the wetlands on the property to be of unusual importance.

PLANNING BOARD COMMENTS

1. *The Planning Board issued comments on February 19, 2025, and the applicant provided responses to those comments. The responses were detailed, and all comments were responded to by the applicant.*

Response: So noted.

2. **Response to wetlands comment #1.** *The Planning Board wants to ensure that post construction the existing wetland will still have access to its water source. The topography as submitted does have the potential to flow from the northern parcel to the wetland on the project site and the proposed driveway may result in preventing water flow. Further the site is proposed to be regraded in a number of areas. Additional discussion and analysis of the final grading and its effects on the wetland is warranted.*

Response: As we have noted previously, based on the topographical information from the Westchester County GIS (see drawing S100.0) and from our own visual observation, the runoff from the property to the north is conveyed toward Route 133 as well as through the property in a northerly direction and NOT toward the subject property. In addition, the existing stone wall which extends along the property line, serves to block any runoff from the property to the north from draining into the wetland. The proposed driveway therefore will have no impact on drainage of the property to the north and will not block the flow of water on the property.

Runoff that is presently directed into the wetland will continue to be directed toward the wetland following the development of the subdivision. The drainage area that contributed runoff to the design point, the southern end of the on-site wetland does not change with the development of the subdivision.

3. **Conditions of Approval-** These conditions of approval identified by the Planning Board are still valid.

a. Five Year landscape guarantee recorded with the County Clerk.

Response: This item is best handled as a condition of an approval of the subdivision.

b. Deer protection plan

Response: The locations of the proposed deer fencing are depicted on drawing C-106, Landscape / Tree Planting Plan. The deer fencing would remain in place for at least 3 years to ensure that the plantings to be installed become established.

c. Landscape Maintenance Plan

Response: Please see the attached detailed landscape maintenance plan.

d. Annual inspection report required for the five years

Response: The annual inspection report is included in the landscape maintenance plan.

e. Easement and maintenance agreement of the driveway

Response: The applicant will be preparing the easement, maintenance agreement and declarations of easements for the driveway once the plat is submitted to the Town for review and acceptance. This item is best handled as a condition of an approval of the subdivision.

f. Easement and maintenance agreement of the stormwater facilities

Response: Similar to the above, the applicant will be preparing the easement, maintenance agreement and declarations of easements for the stormwater management facilities once the plat is submitted to the Town for review and acceptance. This item is best handled as a condition of an approval of the subdivision.

g. Tags remain on trees until issuance of a CO

Response: The tree tags which were placed by our arborist, Michal Nowak, on the trees within the limits of the proposed disturbance and extending beyond this line will remain on the trees as requested.

h. A Performance Maintenance Bond of an amount to cover the expense of the 5-year inspections and potential plant replacement should be required

Response: This is a matter for the Planning Board to determine as per the Maintenance Plan for Stormwater Facilities.

SITE PLAN COMMENTS

*1. **Landscaping Plan and Wetland Mitigation Plan.** It is recommended that the Town's Arborist review the tree removal plan, landscaping plan, and wetland mitigation plan. We also recommend that Town's arborist provide a review if the proposed tree removal and planting plan meets the requirements of Chapter 183, Tree Protection.*

Response: We look forward to the Town arborist review.

*2. **Tree Preservation and Removal plans (C-104 and 105).** How are these plans related to the tree inventory and why do some have scientific names and others do not? In order for the Board to give a tree permit, all trees to be removed need to be identified and quantified. Please confirm that plans and inventory match, and all trees for removal are correctly identified.*

Response: The tree preservation and removal plan has been updated with the final design of the septic system. All of the trees that will be removed are provided with the botanical name and common name. We believe that the plans and inventory of the trees do match.

The changes to the tree preservation and removal plan now include:

- 3-11, 18" Black Locust (to be removed for rain garden)
- 3-14, 18" American elm (to be removed for water storage tank)
- 1-11A, 8" Black Cherry (dead and to be removed)
- 1-47, 14" Red Oak (to be removed for house on Lot 1)
- 1-48, 10" Black Oak (to be removed for house on Lot 1)
- 1-56, 24" Sugar Maple (to be removed for rain garden)
- 1-63, 6" Red Oak (to be retained)
- 1-64, 14" Black Birch (to be retained)
- 2-143, 12" White Ash (hazard to be removed)
- 2-144, 14" Sugar Maple (to be removed)

SUBDIVISION REVIEW COMMENTS

*1. A Plat is required to be submitted. Please provide a Plat including all covenants, easements and deed restrictions. **This comment remains open.***

Response: The plat map is attached to this letter.

*2. The subdivision plat should reflect final design of both the access and water supply. **This comment remains open.***

Response: The plat map includes the final design for access into the property, and depicts the location of the well, water service line to the houses, fire protection tanks and outline of the proposed septic system.

Town of Ossining Planning Board
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Sincerely,

ALP ENGINEERING & LANDSCAPE ARCHITECTURE, PLLC

A handwritten signature in black ink, appearing to read 'Alan L. Pilch', is written over the company name.

Alan L. Pilch, PE, RIA
Principal

cc: Jennifer and Pascal Smith Couti (via email)
Jody Cross, Esq. (via email)